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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,	)	
	)	Case No.: 2:10-CR-578-APG-GWF
Plaintiff,	)	
	)	GOVERNMENT'S RESPONSE TO
vs.	)	DEFENDANT'S EMERGENCY MOTION
	)	TO EXTEND SURRENDER DATE (CR #
LINDA LIVOLSI,	)	233) and COMPLIANCE WITH THIRD
	)	ORDER EXTENDING SELF-
	)	SURRENDER DATE FOR LINDA
Defendant.	)	LIVOLSI (CR # 232)
	)	

This response is timely filed pursuant to LCR 12-1(a)(2) & (c) and CR # 234.

The United States of America, by and through Daniel G. Bogden, United States Attorney, and J. Gregory Damm, Assistant United States Attorney, hereby provides this Court with the GOVERNMENT'S RESPONSE TO DEFENDANT'S EMERGENCY MOTION TO EXTEND SURRENDER DATE (CR # 233) and COMPLIANCE WITH THIRD ORDER EXTENDING SELF-SURRENDER DATE FOR LINDA LIVOLSI (CR # 232).

In its THIRD ORDER EXTENDING SELF-SURRENDER DATE FOR LINDA LIVOLSI (CR # 232), the Government was directed to "file a brief explaining whether the Bureau of Prisons has sufficient medical staff and facilities to quickly assess and address Ms. Livolsi's health conditions when she self-surrenders." The Government contacted David Huband, Supervisory Attorney, Federal Correctional Institution, 37900 N. 45<sup>th</sup> Avenue,

1 Phoenix, Arizona 85086. Mr. Huband indicated that the defendant had been designated to FMC  
2 Carswell in Fort Worth, Texas, a medical/psychiatric referral center for female offenders. As  
3 part of the designation process, FMC Carswell has been provided with some medical records  
4 relating to the defendant and the medical staff is apparently generally familiar with her medical  
5 condition. Her medical condition forms part of the basis for the designation to this particular  
6 facility.

7 Pursuant to Bureau of Prisons policy, FMC Carswell conducts an initial intake screening  
8 on every newly incarcerated inmate, upon her arrival at the institution. The screening is  
9 designed to identify: urgent medical, dental, or mental health care needs; signs of acute drug or  
10 alcohol intoxication or symptoms of withdrawal; restrictions on temporary work assignments;  
11 freedom from contagious, infectious disease. Inmates with perceived immediate medical, dental  
12 or mental health needs are referred to appropriate clinical staff for evaluation. Within 14 days  
13 of admission, clinical staff will complete a physical examination, which will include medical,  
14 mental health and dental assessments and appropriate laboratory and diagnostic tests.

15 The Federal Medical Center, Carswell in Fort Worth, Texas ("FMC Carswell") houses  
16 approximately 1,400 inmates ranging from minimum to maximum security levels and medical  
17 care classification levels one to four.<sup>1</sup> All medical care level three and four female inmate-  
18 patients are designated to FMC Carswell. FMC Carswell is comprised of general population  
19 housing units, inpatient medical units, medical units, mental health units,<sup>2</sup> an Administrative  
20 Unit, Residential Drug Abuse Program Unit, and Satellite Camp.

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22 <sup>1</sup> The goal of the Medical Care Classification system is to match inmate health care needs (particularly in terms of  
23 intensity of care issues, access to community medical resources, and functional criteria) to institutions which can  
24 meet those needs.

<sup>2</sup> The mental health unit houses sentenced inmates, civil commitments, and pre-trial inmates referred for  
psychological examination and treatment. This unit is designed to meet the psychiatric evaluation and treatment  
needs of those offenders who present serious mental illness or emotional disturbance which impairs their ability to

The two inpatient Medical/Surgical Units have a total of 49 beds and offer 24-hour nursing care. Inmates housed on the inpatient units require more intensive care due to a chronic condition or acute terminal illness. Outpatient inmates requiring temporary observation or treatment can be housed on an inpatient unit. There is a separate on-site dialysis unit and a hospice palliative care program. Additionally, there are three Medical Units for chronic care inmates who do not require 24-hour nursing care and are independent with activities of daily living.

Outpatient ambulatory and chronic care services are provided to the remainder of the inmates designated to FMC Carswell. The Outpatient Clinic provides ambulatory medical care including:

- Urgent Medical Care;
- Sick call to assess, diagnose and treat common medical problems;
- Chronic Care Clinics to monitor inmates with chronic medical conditions such as diabetes, hypertension, hepatitis, HIV, etc.;
- Diagnostic and therapeutic procedures such as electrocardiograms, pulmonary function tests, stress tests, nebulizer treatments, peak flow rates, non-stress tests, audiograms, tonometry, immunizations, wound care, inmate education, etc.;
- Specialty clinics with contract physicians, including cardiology, general surgery, nephrology, neurology, neurosurgery, gastroenterology, obstetrics and gynecology, optometry, ophthalmology, orthopedic surgery, rheumatology, infectious disease, urology, oncology, and speech therapy.

All inmates have access to consultant specialists under a comprehensive medical contract between FMC Carswell and the University of North Texas Health Science Center.

FMC Carswell is a Joint Commission (JCAHO) accredited Hospital in good standing and on October 24, 2014, retained accreditation status. The JCAHO accreditation cycle requires re-

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function in a general population. Unit staff work closely with Psychology, Psychiatry, Nursing, and Social Work services to provide a multi-disciplinary treatment approach for this diverse inmate population.

1 accreditation every three years. The last on-site survey was conducted by JCAHO on February  
2 26, 2015.

3         The Joint Commission is an independent, not-for-profit organization, which accredits  
4 and certifies more than 20,500 health care organizations and programs in the United States.  
5 Joint Commission accreditation and certification is recognized nationwide as a symbol of  
6 quality that reflects an organization's commitment to meeting certain performance standards.  
7 The obtained Joint Commission "Hospital" accreditation is the most stringent and rigorous  
8 evaluative standards of a hospital's patient care processes. FMC Carswell is the lone BOP  
9 Medical Referral Center with hospital accreditation. Other BOP Medical Referral Centers are  
10 accredited under the less stringent Joint Commission "Home Care" or "Nursing Care Center"  
11 standards.

12         It is also important to note that during the course of this prosecution, the defendant asked  
13 for numerous continuances based upon her claimed physical ailments. The government was  
14 forced to request an independent medical evaluation. CR # 70. This evaluation did not support  
15 the defendant's claim to have been suffering from leukemia (in remission). CR # 77.

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1 Based upon the foregoing, the government submits that FMC Carswell “has sufficient  
2 medical staff and facilities to quickly assess and address Ms. Livolsi’s health conditions when  
3 she self-surrenders.” Therefore, any further requests by the defendant to delay her self-surrender  
4 to the BOP should be denied.

5 Dated this 12th day of November, 2015.

6 Respectfully Submitted,

7 DANIEL G. BOGDEN  
United States Attorney

8 /s/ J. Gregory Damm  
9 J. Gregory Damm  
Assistant United States Attorney

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14 Certificate of Service

15 I, Pamela Mrenak, hereby certify that I am an employee of the United States  
16 Department of Justice, and that on this day I served a copy of the following: GOVERNMENT’S  
17 RESPONSE TO DEFENDANT’S EMERGENCY MOTION TO EXTEND SURRENDER  
18 DATE (CR # 233) and COMPLIANCE WITH THIRD ORDER EXTENDING SELF-  
19 SURRENDER DATE FOR LINDA LIVOLSI (CR # 232), upon counsel for all defendants  
20 appearing in this matter via the CM/ECF system, by electronically filing said document.

21 Dated: November 12, 2015

22 /s/ Pamela Mrenak  
23 Legal Assistant to J. Gregory Damm  
Assistant United States Attorney  
24 District of Nevada